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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,631	11/30/1998	CURTIS L. ASHTON	1569/1570	9598

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/200,631

Applicant(s)

ASHTON ET AL.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-11 and 13-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11 and 13-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This Office action is in response to amendment filed 7/2/2004. Accordingly, claims 2-3 and 12 are canceled and claims 1, 4-11 and 13-34 are pending for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4-11, 13-28 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beveridge (US PAT. 5,469,495) in view of Kumosaki (JP 07264333A) and Hawley (US PAT. 5,523,868).

Regarding claim 1, Beveridge discloses a system for powering one or more devices (21, figure 5) in a fiber optic communication network, which transmits communication data between a telecommunications service provider (13, figure 5) and a remote user device (i.e., 21, figure 5), the system comprising an optical network node (17, figure 5) for converting the communication data from a digital optical state to a digital electrical state (col. 10 lines 7-9), a fiber optic communication medium (14, figure 5) configured to transfer the communication data between the telecommunications service provider (13, figure 5) and the optical network node (17, figure 5), an electrical power source (32, figure 5) configured to supply an electrical supply voltage to power the optical network node (col. 11 lines 11-16), and an electrical transmission medium configured to transmit electrical supply voltage from the electrical power source to the optical network node. Beveridge differs from the claimed invention in not specifically teaching an alarm system incorporated within the electrical power source to monitor the operation of the electrical power source. However, Kumosaki teaches a voltage monitoring part (34, figure 1), read as an alarm system, incorporated with an electrical power source (30, figure 1) for monitoring the operation of the electrical power source in order to improve maintenance operability (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Beveridge in having the alarm system incorporated within the electrical power source to monitor the operation of the electrical power source for monitoring the operation of the electrical power source, as per teaching of Kumosaki, because it improves maintenance operability. Furthermore, neither Beveridge nor Kumosaki specifically teaches allow the provider to monitor an operation parameter of the power source via the fiber optic communication medium. However, Hawley teaches an apparatus for monitoring power loss in a

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telecommunication system allowing a service provider (16, figure 1) receiving an alarm information via the fiber optic communication medium (20, figure 1) in order to provide reliable power loss detection and reporting without significant modification (col. 4 line 53 through col. 5 line 25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Beveridge and Kumosaki in allowing the provider to monitor an operation parameter of the power source via the fiber optic communication medium, as per teaching of Hawley, because it provides reliable power loss detection and reporting without significant modification.

Regarding claims 4-7, Beveridge discloses that the power source (32, figure 5) is located proximate to the optical network node (17, figure 5), which is remote from the optical network node and supplies power to plurality of the optical network node. Note it is old and notoriously well known in the art that power source is capable of shifting location due to the design purposed. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Beveridge, Kumosaki and Hawley in having power source located proximate to other locations, such as telecommunications service provider or a digital loop carrier based upon the design purposes.

Regarding claims 8-10, Beveridge teaches the remote user device comprising telephone (27, figure 4), a computer, and a television (26, figure 4).

Regarding claims 11 and 17, Hawley teaches the power supply comprising a primary power source for providing power during normal operation and a secondary power source for providing power when the primary power source is inoperable (col. 4 line 1 through col. 5 line 2), wherein the secondary power source is obviously recognized in having a plurality of

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rectifiers, a plurality of converters, a plurality of current limiters, and a plurality of batteries configured to supply the DC voltage.

Regarding claim 13, Hawley teaches to connect the alarm system in the electrical power source to an optical network node (18, figure 1) with conducting mediums (20, figure 1) to report power source operation information (col. 3 lines 13-21 and col. 4 line 62 through col. 5 line 10).

Regarding claim 14, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 15, Beveridge teaches the optical network node comprising an optical network unit (figure 5).

Regarding claim 16, Beveridge discloses the system comprising the optical network node (17, figure 5) functioning as a digital subscriber line access multiplexer for converting the communication data from a digital optical state to a digital electrical state (col. 10 lines 7-9).

Regarding claims 18-19, Beveridge discloses an electrical conducting medium (24, figure 5) conducting the electrical supply voltage and the communication data from the optical network node and the remote user device, and a network interface device (43, figure 5) connected between the optical network and the remote user device (col. 11 lines 11-20).

Regarding claims 20-21, Beveridge teaches to transfer digital communication data between the telecommunications service provider and an optical network unit, i.e., a digital subscriber line access multiplexer (col. 11 line 45 through col. 12 line 5).

Regarding claims 22-23, Hawley teaches to transmit alarm signal for specifying pertinent data regarding the power loss (col. 4 lines 61-62) so that the alarm signal obviously comprises transmitting power level and operational data to the telecommunications service provider.

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Regarding claim 24, the limitations of the claim are rejected as the same reasons set forth in claims 11 and 17.

Regarding claims 25-26, the limitations of the claims are rejected as the same reasons set forth in claims 18-19.

Regarding claims 27-28, Hawley teaches the power source information in order to switch in battery backup power supplies (col. 4 line 53 through col. 5 line 10). Note Hawley teaches the power supply being derived from a power company (col. 1 lines 42-49) so that one skilled in the art would recognize the electrical power supply obviously including AC power source, a rectifier's voltage, a converter's voltage, and a current limiter's current. In addition, Hawley teaches to monitor the operation of the electrical power supply, i.e., a loss of power, for generating an alarm to notify a service provider, i.e., a telephone company, (col. 3 lines 51-67).

Regarding claim 31, the limitations of the claim are rejected as the same reasons as set forth in claim 1.

Regarding claim 32, the limitations of the claim are rejected as the same reasons as set forth in claims 4-7.

Regarding claim 33, the limitations of the claim are rejected as the same reasons as set forth in claim 1.

Regarding claim 34, the limitations of the claim are rejected as the same reasons as set forth in claims 4-7.

4. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beveridge (US PAT. 5,469,495) in view of Kumosaki (JP 07264333A) and Hawley (US PAT. 5,523,868)

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as applied in claims above, and further in view of Mercadante et al. (US PAT. 5,889,465 hereinafter Mercadante).

Regarding claims 29-30, the combination of Beveridge, Kumosaki and Hawley differs from the claimed invention in not specifically teaching to transmit the electrical power source information from the alarm system to the telecommunication service provider via a medium other than the fiber optic communication medium. However, Mercadante teaches a power quality reporting system using a telephone communications link, other than the fiber optic communication medium, to notify a central location for power disruption in order to provide a reliable, flexible and conditioned power to remote location (col. 7 lines 5-9). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Beveridge, Kumosaki and Hawley in transmitting the electrical power source information from the alarm system to the telecommunication service provider via a medium other than the fiber optic communication medium, as per teaching of Mercadante, in order to provide a reliable, flexible and conditioned power to remote location.

Response to Arguments


5. Applicant's arguments with respect to claims 1, 4-11 and 13-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


George Eng
Primary Examiner
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